



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/174063

PRELIMINARY RECITALS

Pursuant to a petition filed May 5, 2016, under Wis. Admin. Code, §HA 3.03(1), to review a decision by Milwaukee Enrollment Services to reduce FoodShare benefits (FS), a hearing was held on June 1, 2016, at Milwaukee, Wisconsin, with the judge appearing by telephone.

The issue for determination is whether the agency correctly reduced petitioner's FS effective March 1, 2016.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

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Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Milwaukee Enrollment Services
1220 W. Vliet Street
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received \$322 FS for a two-person household in February, 2016. In February the agency received notification that petitioner was receiving \$370 per week unemployment compensation. The amount was budgeted, and effective March 1, 2016 FS were reduced to \$57 based solely on \$1,591 monthly UC. No earned income was budgeted.

3. Petitioner's UC was lower than \$370 per week in March and April. In addition, petitioner was working for [REDACTED]. The UC was issued based on her being laid off by a different employer.
4. FS were pending closed for May, 2016 because of a verification issue. The agency received verification that petitioner was laid off April 23 from a different employer, but the agency treated it as a lay off from [REDACTED]. FS were issued for May based upon zero income.

DISCUSSION

The matter was processed as an appeal of a discontinuance of FS effective May 1, 2016. That matter was resolved prior to the hearing when the FS were reopened. However, on her appeal petitioner also checked "reduction of FS," which occurred March 1, 2016. We thus held a hearing on that issue as well.

Obviously petitioner's FS for March through May are a mess as only UC was being budgeted and no work income. Then for May no income was budgeted even though petitioner remained employed by [REDACTED] and still received some UC.

First, for March and April, I reviewed petitioner's actual income. In March petitioner received \$1,196 in UC and \$1,131.33 earned income. In April she received \$908 in UC and \$1,272.13 in earned income (please note that April was a three paycheck month so I calculated \$1,272.13 by averaging the three checks and then multiplying by 2.15 as is usual for FS income calculations). Thus as it turns out petitioner actually had substantially more income than was budgeted in each month, even after the 20% earned income deductions. In both months budgeted income should have been approximately \$2,000 each month instead of the \$1,591 that was budgeted.

I will dismiss this appeal because it appears that petitioner actually received more FS in the months of March, April, and May than she was entitled to receive. I checked the computer record and it now appears that for July the agency is budgeting UC based upon an average of the last four UC payments, and earned income based upon petitioner's last two pay checks. It appears that petitioner has filed an appeal on the upcoming changes for July. However, it now appears that the agency has petitioner's income sources correct, so unless there is another change in either UC or earned income the actions for July likely are correct. I will leave that determination for the judge who handles petitioner's new appeal.

CONCLUSIONS OF LAW

Petitioner's FS for the months of March through May were higher than petitioner should have received, so although there were errors on her case there is no basis to order additional benefits.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN

INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 7th day of June, 2016

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on June 7, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability